IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE BILAL NAZKI**

**and**
**THE HON'BLE MR JUSTICE S.ANANDA REDDY**

**WRIT PETITION NO : 16178 of 2004**

Between:

1 R.Chinna Subba Reddy, s/o Pedda Venkata Reddy, (A.No.88/04 against OP 65/93) r/o Venkatapuram Village, Banaganapalle Mandal, Kurnool District.
2 G.Nagi Reddy, s/o Chenna Reddy, (A.S.No.68/04 against OP 55/93) r/o Venkatapuram Village, Banaganapalle Mandal, Kurnool District.
3 P.Subba Ramachandra Reddy, s/o Peddi Reddy, (A.S.No.384/04 against OP 64/93) r/o Venkatapuram Village, Banaganapalle Mandal, Kurnool District.
4 N.Rami Reddy, s/o Venkata Reddy, (A.S.No.136/04 against OP 57/93) r/o Venkatapuram Village, Banaganapalle Mandal, Kurnool District.
5 J.Siva Nagi Reddy, s/o Nagi Reddy, (A.S.No.94/04 against OP 66/93) r/o Venkatapuram Village, Banaganapalle Mandal, Kurnool District.
6 V.Sanjeeva Rayudu, s/o Sunkanna, (A.S.No.84/04 against OP 62/93) r/o Venkatapuram Village, Banaganapalle Mandal, Kurnool District.
7 R.Ankala Reddy, s/o Sunki Reddy, (A.S.No.91/04 against OP 67/93) r/o Venkatapuram Village, Banaganapalle Mandal, Kurnool District.
8 Pedda Venkata Reddygari Venkata Reddy, s/o Bala Venkata Reddy, (A.S.No.96/04 against OP 63/93), r/o Venkatapuram Village, Banaganapalle Mandal, Kurnool District.
9 N.Chenna Reddy, s/o Thimma Reddy, (A.S.No.135/04 against OP 61/93) r/o Venkatapuram Village, Banaganapalle Mandal, Kurnool District.
10 N.Jayamma, w/o Nageswara Reddy, (A.S.No.386/04 against OP 59/93) r/o Venkatapuram Village, Banaganapalle Mandal, Kurnool District.
11 R.Ramulamma, w/o Subba Reddy, (A.S.No.81/04 against OP 68/93) r/o Venkatapuram Village, Banaganapalle Mandal, Kurnool District.
12 R.Naga Mohana Reddy, s/o Pedda Venkata Reddy, (A.S.No.121/04 against OP 60/93) r/o Venkatapuram Village, Banaganapalle Mandal, Kurnool District.
13 R.Kullai Reddy, s/o late Rami Reddy, (A.S.No.98/04 against OP 56/93) r/o Venkatapuram Village, Banaganapalle Mandal, Kurnool District.
14 K.Pedda Pulla Reddy, s/o Nagi Reddy, (A.S.No.95/04 against OP 58/93) r/o Venkatapuram Village, Banaganapalle Mandal, Kurnool District.

**..... PETITIONER(S)**

AND

1 The Special Deputy Collector (L.A.O.) S.R.B.C.,Nandyal, Kurnool District.

2 The Income Tax Officer, Ward No.1, Nandyal, Kurnool District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ or order or direction, declaring the present action of the respondents in deducting the amount from the compensation amount payable to the petitioners as per the Civil Court decrees towards Income Tax as illegal, unconstitutional and void and consequently direct the respondents not to deduct any amount from the compensation amount payable to the petitioners as per the decrees of the Civil Court towards Income Tax and to pay the same without any deductions to the petitioners forthwith

**Counsel for the Petitioner : MR.P.VENGALA REDDY**

**Counsel for the Respondent No.: SPL GP FOR TAXES**

**The Court at the stage of admission, made the following :**

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ORDER : (Per Sri Bilal Nazki, J)

Rule Nisi. Notice is taken on behalf of Mr.J.V.Prasad Standing Counsel for Income Tax Department. Heard learned Counsel for the parties.

It is submitted by both the Counsel that the Writ Petition can be disposed of at this stage because the controversy raised in this Writ Petition is covered by a Division Bench judgment of this Court in Writ Petition No.3934 of 1989, dated 13.12.1995.

In this view of the matter, we allow the Writ Petition in terms of the decision of a Division Bench of this Court in Writ Petition No.3934 of 1989. Petitioners shall file Form-15 H before the first respondent. No costs.

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(BILAL NAZKI, J)

10th September, 2004.

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(S.ANANDA REDDY, J)

ajr

To

1 The Special Deputy Collector (L.A.O.) S.R.B.C.,Nandyal, Kurnool District.
2 The Income Tax Officer, Ward No.1, Nandyal, Kurnool District.

3 Two C.Cs. to the Special GP for Taxes, High Court buildings,

Hyderabad (O.U.T)

4 Two C.D. copies.